

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**BNSF RAILWAY COMPANY,**

Plaintiff,

v.

**No. 4:22-cv-052-P**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS – TRANSPORTATION DIVISION  
ET AL.,**

Defendants.

**SCHEDULING ORDER**

On January 25, 2022, the Court issued a Temporary Restraining Order (“TRO”). ECF No. 30. The Court’s TRO enjoined Defendants from authorizing, encouraging, permitting, calling, or otherwise engaging in any strikes, work stoppages, picketing, slowdowns, sickouts, or other self-help against BNSF or its operating rail subsidiaries over any dispute relating to the Hi Viz attendance standards. *Id.*

The Court recognizes the importance of this case and desires to resolve the instant dispute in an expeditious manner. Accordingly, the Court issues this Scheduling Order to set the briefing schedule regarding Plaintiff’s Motion for Preliminary Injunction.

The Court **ORDERS** Plaintiff to file its Motion for Preliminary Injunction and Brief in Support **on or before January 31, 2022.**

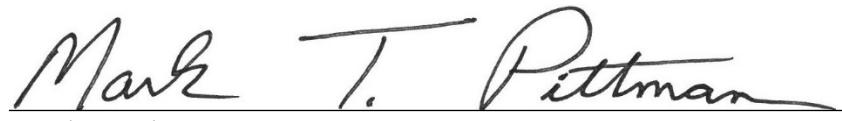
The Court further **ORDERS** Defendants to file their Response Brief to Plaintiff’s Motion for Preliminary Injunction **on or before February 7, 2022.**

The Court further **ORDERS** that Plaintiff may file its Reply Brief to Defendants’ Response, if any, **on or before February 10, 2022.** Plaintiff’s Reply shall not contain any additional evidence.

Pursuant to Federal Rule of Civil Procedure 43(c), the Court intends to decide the Motion based on affidavits, deposition excerpts, and/or exhibits. *See, e.g., FSLIC v. Dixon*, 835 F.2d 554, 558–59 (5th Cir. 1987); *E.E. Maxwell Co. v. Arti Decor Ltd.*, 638 F. Supp. 749, 751 n. 3 (N.D. Tex. 1986). However, should any of the Parties seek an evidentiary hearing on the Motion for a Preliminary Injunction, they shall file a notice with the Court **on or before February 11, 2022**.

Accordingly, the Court further **ORDERS** that, *if* an evidentiary hearing on Plaintiff's Motion for Preliminary Injunction is necessary, it will be held at **9:00 a.m. on Monday, February 14, 2022**, in the Fourth Floor Courtroom of the Eldon B. Mahon United States Courthouse, located at 501 W. 10th Street, Fort Worth, Texas.

**SO ORDERED** on this **25th day of January, 2022**.

  
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Mark T. Pittman  
UNITED STATES DISTRICT JUDGE